

rolled, and have this day at 3:48 o'clock p. m., presented the same to the Governor for his approval.  
WITT, Chairman.

### Committee Reports.

Committee Room,  
Austin, Texas, July 12, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 3, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that S. B. No. 4, as adopted by the Senate on July 13, 1929, together with all amendments, be substituted therefor, and that same be not printed.

POLLARD, Chairman.

### EIGHTH DAY.

Senate Chamber,  
Austin, Texas, July 13, 1929.  
The Senate met at 10 o'clock A. M., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, no quorum being present.

Senator Pollard moved a call of the Senate for the purpose of obtaining and maintaining a quorum until 12:00 o'clock noon. The motion prevailed.

The doors were closed and the Sergeant-at-Arms was instructed to bring in all Senators in the city who were not ill.

The quorum was established, the following Senators being present:

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Love.
Cunningham.	McFarlane.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parrish.
Hardin.	Pollard.

Russek.	Wirtz.
Small.	Witt.
Thomason.	Woodward.
Westbrook.	

Absent.

Hyer.	Williamson.
Miller.	Woodul.
Stevenson.	

Absent—Excused.

Martin.	Patton.
Parr.	

Prayer by the Rev. Mr. Baker, of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By Cousins, Woodul:

S. B. No. 15, A Bill to be entitled "An Act to permit the Trinity Valley and Northern Railway Co., to take up and remove that portion of its tracks lying between Fullerton and Lumm, etc., and creating an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Woodward:

S. B. No. 16, A bill to be entitled, "An Act amending Article 716 of the Revised Civil Statutes of the State of Texas of 1925, relating to bonds legally issued and signed by authorized officers of any county, city, town, political subdivision, defined district, etc., providing that no such bonds shall ever be held invalid because signed and executed by different officers acting in the same capacity, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parrish:

S. B. No. 17, A bill to be entitled "An Act authorizing Lubbock County to convey to the United States of America, title to any portion of its land located and situated in the City of Lubbock, commonly

known and designated as the courthouse square, and validating all acts of said county or its lawful agents and representatives heretofore done in pursuance of said purpose, or that may hereafter become necessary to convey said land to the satisfaction of the United States of America, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 18, A bill to be entitled "An Act to relinquish to owner of abutting land the fee title to the streets, alleys or highways in the city of Austin, Texas, but perpetually reserving and retaining therein the easement now existing for public purposes, and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 19, A bill to be entitled "An Act providing for a system of insuring school property through the State Insurance Commission, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Insurance.

#### Motion to Concur.

Senator Pollard moved to concur in the House amendments to S. B. No. 10. The motion prevailed by the following vote:

#### Yeas—23.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodward.
McFarlane.	

#### Absent.

Miller	Stevenson.
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#### Absent—Excused.

Hyer.	Patton.
Martin.	Williamson.
Parr.	Woodul.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, July 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Free Conference Committee on S. B. No. 14—(The claims and accounts bill). The following conferees are appointed on the part of the House.

Young, Palmer, Van Zandt, Rountree, Harman.

Respectfully submitted.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Report.

Senator Pollard sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, July 12, 1929.

Hon. Barry Miller, President of the Senate.

Hon. W. S. Barron, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed by your respective bodies, to consider Senate Bill No. 3, have had said bill under consideration, and beg leave to report that we have reached the following agreement:

The House receded from its position in setting the limit at six months and agreed to the Senate provision of six and one-half months.

The Senate accepted the House amendment offered by Representative Van Zandt, and the committee agreed to the following bill, which is attached hereto and made a part hereof.

Respectfully submitted,

POLLARD,  
NEAL,  
GREER,  
DeBERRY,

On the part of the Senate.

GRAVES of Erath,  
SNELGROVE,  
McCOMBS,  
VAN ZANDT,  
LONG of Houston,

On the part of the House.

Read and adopted by the following vote:

**Yeas—23.**

Beck.	Hornsby.
Berkeley.	Love.
Cousins.	McFarlane.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.

Thomason.	Witt.
Westbrook.	Woodward.
Wirtz.	

**Absent.**

Miller.	Woodul.
Stevenson.	

**Absent—Excused.**

Hyer.	Patton.
Martin.	Williamson.
Parr.	

**House Bill No. 13.**

The Chair laid before the Senate the following bill:

H. B. No. 13, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas of 1925, relating to the powers and duties of such Board, etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

The bill was read second time.

Senator Woodward sent up the following amendments:

Amend H. B. No. 13 by striking out, in Section 1, the words "They shall find, by adding all sums paid into the State Treasury as taxes for State purposes from all sources other than as ad valorem taxes, and as delinquent ad valorem taxes, interest and penalties during the first half of the current calendar year and the latter half of the preceding calendar year," and inserting in lieu thereof the following: "They shall find by adding all sums paid into the State Treasury as delinquent ad valorem taxes and interest and penalties thereon during the first half of the current calendar year and the latter half of the preceding calendar year and all sums paid into the State

Treasury as taxes for State purposes from all sources other than as ad valorem taxes for the same period."

**WOODWARD.**

Read and adopted.

Amend H. B. No. 13 by striking out, in the caption, the words "not exceeding," and inserting in lieu thereof "equal to."

**WOODWARD.**

Read and adopted.

The bill, as amended, passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 13 was put on its third reading and final passage, by the following vote:

**Yeas—23.**

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodward.
McFarlane.	

**Absent.**

Miller.	Woodul.
Stevenson.	

**Absent—Excused.**

Hyer.	Patton.
Martin.	Williamson.
Parr.	

Read third time and finally passed by the following vote:

**Yeas—23.**

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodward.
McFarlane.	

**Absent.**

Miller.	Stevenson.
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**Absent—Excused.**

Hyer.	Patton.
Martin.	Williamson.
Parr.	Woodul.

**Bills Signed.**

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 3.  
H. C. R. No. 4.  
S. B. No. 10.

**Message From the Governor.**

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,  
Austin, Texas, July 13, 1929.

To the members of the Forty-first Legislature:  
Ladies and Gentlemen:

In the first message which I sent to this, the Third Called Session of the Forty-first Legislature, I discussed appropriations and stated that it was not my purpose to submit other subjects than appropriations and the amendment of Article 7043, mentioned in that message. Certain existing conditions are so important that I feel it my duty to abandon my original intention regarding the limitation of subjects for legislative consideration, and call these conditions to your attention and ask that you give them consideration. I believe that these matters are so urgent, and of such importance, that they would justify the call of a special session of the Legislature. Therefore, notwithstanding my original purpose, I am submitting these subjects for your consideration.

The University of Texas is resurveying all University Lands in the several counties of West Texas. It seems that the law originally provided that this land should be surveyed in sections, but that it was surveyed in large blocks of a number of sections, and that the field notes for the many sections making up the University Lands are not entirely accurate. I understand that there is an excess in practically all of these

surveys. Each excess may not, under the law, constitute a vacancy. Some excesses may constitute vacancies, and there may be accumulations of excesses from several surveys, which will constitute a large area of vacant and unsold public domain. At this time it is impossible to foretell just what excesses may exist and what vacancies may be developed. Likewise it is impossible to foretell just where such vacancies may ultimately be found. Under the present statutes and Constitution of the State such lands as may be shown by the resurvey to be vacant, and therefore a part of the unsold public domain, would belong to the Permanent School Fund and be subject to the law controlling the handling and disposition of public school lands.

Any vacancies which may be developed could be unsurveyed public school land and subject to filings and sales under existing laws. It is altogether possible that vacancies may exist having valuable rights because of actual or prospective mineral development, or because of actual or prospective mineral production.

Under existing law anyone may file a letter of inquiry with the Commissioner of the General Land Office regarding any vacancies that may exist, and thereby acquire a vested right and fix his right to purchase such vacancy as unsurveyed school land. Under the decision of the Supreme Court in the case of Green vs. Robison, construing the Relinquishment Act, when any such filing is so made, and the land is sold, the State reserves the mineral rights therein, but subject to the terms of the Relinquishment Act, as construed in that case. As I understand that opinion, the person making such a filing, and so purchasing the land, would buy the surface rights, and by such purchase would become the agent of the State to lease the land for oil development. Such purchaser would be at liberty to lease the land on the basis of seven-eighths of the oil production to the lessee, and one-eighth to the lessor, of which one-eighth the purchaser would be entitled to one-half for his service as agent of the State in making the lease. It is not clear to my mind from the statute or any decided case whether the Relinquishment Act applies to devel-

oped and undeveloped mineral lands, or only to undeveloped mineral lands. Prudence, however, forces State officers to assume that it applies to both classes of mineral lands.

It is impossible for anyone to estimate the value of these properties. It is within the range of probability that lands having millions of dollars of value might be developed to be vacancies and be thus disposed of under existing law. It has been held by the Attorney General's Department that in the sales of public school lands the value of the surface rights is the test of a fair price to the State, even though the land may be oil bearing land, and even though this sale carries what, for practical purposes, amounts to a fifteen-sixteenths interest in the oil in the land. From the practical standpoint, thus a purchaser may buy one-sixteenth interest in a potential oil field for the value of the surface rights in the land.

In view of the possible development of vacancies, the present condition of the law, and the potential valuation of these lands as oil producing lands, it seems to me to be of transcendent importance that this legislature pass proper laws to safeguard the interest of the school fund and the University of Texas. If you are unwilling to remain in session to pass proper laws for the protection of the school fund and the University of Texas in the sale of any developed vacancies, then it seems to me that you should take steps immediately to withhold any such possible vacancies from the market, awaiting the passage of adequate laws. It is my personal judgment that it is better to pass a statute withholding this land from sale than to pass one providing for its sale. I may be in error in my judgment on this point and you may feel that it is better to pass laws now to provide for the disposition of these lands and give the school fund and University an opportunity to secure the prices which the land would now bring.

I am further told that there are several hundred thousand acres of surveyed land which have been forfeited to the State and that the time within which the original purchasers may redeem these lands has passed and that this land will be offered for sale under existing laws within the

next few months. I know nothing about the value of the mineral rights in this land. It is all, as I understand, subject to filing of mineral leases by the payment of a small sum per acre. And, it is all, as I further understand, subject to sale under the terms of the Relinquishment Act, resulting as I have previously pointed out, in the State (from a practical standpoint) reserving only one-sixteenth of the oil which may be in and under such lands. These surveys, as I understand are scattered far and wide in numerous counties of the State. I regard it of pressing importance that you likewise consider this matter and consider the passage of laws reserving to the State all mineral interests in such surveyed school lands. As oil development approaches these lands the State could arrange under proper laws for the development of the school's interest in the reserved mineral estate.

These two items may involve many, many million dollars to the University of Texas and the Permanent School Fund and their consideration is, in my judgment, a matter of pressing and extraordinary importance.

I am told that Congress has made an appropriation of a large sum of money to pay the cost of constructing a Post Office in the city of Lubbock. I understand that the people of Lubbock and the authorities of the Federal government have agreed upon a Post Office site, and that this property belongs to Lubbock County. It develops that the officers of the United States government have found defect in the title to this property and that it is impossible for Lubbock County to convey a satisfactory title to the property to the Federal government. A law is needed to empower Lubbock County to convey an acceptable title.

I am told that before another session of the Legislature convenes that appropriation made for the construction of this Post Office building would lapse. I think it is important to Lubbock County that you pass some bill to relieve this emergency.

You will recall that the State of Texas owns the streets in certain parts of the City of Austin. Bonds have been voted in this city to carry

forward a paving program and this program is now in progress. It develops that it will be difficult, if not impossible, to finance the deferred payments for this paving unless the Legislature gives the City of Austin and persons owning property that abuts State owned streets some character of legislative relief. I am told by the managing officers of the City of Austin that in certain sections the streets have been torn up preparatory to paving, and that since this has been done it has developed that the deferred payments for the paving work cannot be financed because the title to the streets is in the State of Texas. This in my judgment is of importance and justifies its submission for your consideration.

During the last several years the City of Brownwood and Brown County have been active in efforts to create a Water Improvement or Water Control and Improvement District for the purpose of impounding certain waters for irrigation purposes. Bonds have been voted and part of the bonds issued. It develops that one of the officers of the District created has issued a part of the bonds, but has become incapacitated to issue the remainder of the bonds. I understand that the work is in progress, or that the preliminary steps have been taken, but that it cannot be prosecuted to completion unless legislative authority is given respecting the issuance of bonds which have been voted. This subject is considered as of sufficient importance to merit your consideration at this time.

I hope that the consideration of these subjects will not detain you longer that you would otherwise remain here in acting upon the appropriation bills. I feel constrained to submit them because of my understanding of their urgency.

Regarding appropriations, permit me to add this word. There is a point which I believe it would be well to remember. It is economy of time to be patient with the Conference Committees and give them time to balance the appropriation bills and bring them within the revenues. By the term "balance the appropriation bills" I mean seeing that you do not appropriate more money to one department or institution than is needed and fail to appropriate as much money as is

needed to some other department or institution. If the bills should not be balanced in this sense of the term, it would create a necessity for further legislative consideration. As you know, appropriation bills cannot be balanced by the use of the veto power, because that power cannot be used to add to, but only to take from in whole items. It, therefore, seems to me that it would be an economy of time to see to the balancing of the appropriation bills now. It will take less time now than later.

Some of your members have been urging me to submit other subjects. I would like to comply with these requests, but I do not want to submit any more subjects than absolute necessities require.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.

#### Senate Bill No. 16.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodward:

S. B. No. 16, A Bill to be entitled, "An Act amending Article 716 of the Revised Civil Statutes of the State of Texas of 1925 relating to bonds legally issued and signed by authorized officers of any county, city, town, political subdivision, defined district, etc., providing that no such bonds shall ever be held invalid because signed and executed by different officers acting in the same capacity, etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its second reading by the following vote:

Yeas—24.

Beck.  
Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Gainer.  
Greer.

Hardin.  
Holbrook.  
Hornsby.  
Love.  
McFarlane.  
Miller.  
Moore.

Neal.	Thomason.
Parrish.	Westbrook.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16, was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Love.	Williamson.
Parr.	Woodul.
Patton.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.

Absent—Excused.

	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

### Senate Bill No. 15.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Cousins, Woodul:

S. B. No. 15, A bill to be entitled, "An Act to permit the Trinity Valley Railway Company to take up and remove that portion of its tracks lying between Fullerton and Lumm, and to remove all tracks, interlockers, bridges, culverts, and other materials, and equipment belonging to said company within that area, and creating an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15, was put on its second reading by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

The bill was read second time and passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15, was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Love.
Gainer.	McFarlane.

Miller.	Small.
Moore.	Thomason.
Neal.	Westbrook.
Parrish.	Wirtz.
Pollard.	Witt.
Russek.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

## Senate Bill No. 17.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Parrish:

S. B. No. 17, A bill to be entitled "An Act authorizing Lubbock County to convey to the United States of America title to any portion of its land located and situated in the City of Lubbock, commonly known and designated as the courthouse square, and validating all acts of said county or its lawful agents and representatives heretofore done in pursuance of said purpose, or that may hereafter become necessary to convey said land to the satisfaction of the United States of America, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

On motion of Senator Parrish, the constitutional rule requiring bills to

be read on three several days was suspended, and S. B. No. 17 was put on its second reading by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

The bill was read second time and passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 17 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Hyer.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.



Holbrook.	Russek.
Hornsby.	Small.
Love.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parrish.	Woodward.
Pollard.	

Absent—Excused.

Hyer.	Patton.
Martin.	Stevenson.
Parr.	Woodul.

### S. C. R. No. 2.

Senator Pollard sent up the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That the Secretary of State be and is hereby authorized and directed to have compiled, proof-read and printed the session laws and resolutions of the Third Called Session of the Forty-first Legislature and to pay for same out of the contingent expense fund of the Legislature. Warrants shall be drawn and paid for same in the same manner as warrants for other expenses and accounts are drawn and paid out of said fund.

POLLARD.

Read and adopted.

### Motion to Instruct Secretary.

Senator Moore moved that the Chair be empowered to instruct the Secretary of the Senate to telegraph all absent members, except Senator Patton, and urge them to be present Monday morning, if at all possible. The motion prevailed.

### S. C. R. No. 3.

Senator Beck sent up the following resolution:

Whereas, On July 11, 1929, H. C. R. No. 3 directed the State Health Officer to make a sanitary survey of the Capitol building and grounds, and in compliance with this resolution the State Health Officer has this day submitted his report as to the sanitary condition of the cold drink and lunch stand located in the hallway of the ground floor of this building, showing that this cold drink and lunch stand is in a very unsanitary condition, and that it is a menace to the public health; therefore, be it

Resolved by the Senate and the House of Representatives, concurring, That the State Health Officer is hereby directed to immediately close this cold drink and lunch stand permanently.

BECK.  
HARDIN.

Read and adopted.

### Recess.

On motion of Senator Westbrook, the Senate, at 12:13 o'clock p. m., recessed until 3:00 o'clock p. m.

### After Recess.

The Senate met at 3:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

### Adjournment.

On motion of Senator McFarlane, the Senate, at 3:40 o'clock p. m., adjourned until 10:00 o'clock Monday morning.

## APPENDIX.

### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, July 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 3 carefully examined and compared, and find the same correctly enrolled, and have this day at 11:17 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

### Committee Reports.

Committee Room,

Austin, Texas, July 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 13, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas of 1925, relating to the powers and duties of the State Tax Board in respect to calculating the ad valorem rate of taxes for State purposes each year, prescribing the duties of such Board, the duties of tax assessors and providing methods by which the tax rate

is fixed in respect to public free school purposes and providing that said Board shall fix a rate that will yield and produce for such fiscal years an amount not exceeding seventeen and one-half dollars per capita for all children within the scholastic age, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, July 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom has been referred S. B. No. 15, A bill to be entitled "An Act to permit the Trinity Valley & Northern Railway Company to take up and remove that portion of its tracks lying between Fullerton and Lumm, and to remove all tracks, interlockers, bridges, culverts, and other materials, and equipment belonging to said Company within that area, and creating an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 16, A bill to be entitled "An Act amending Article 716 of the Revised Civil Statutes of the State of Texas of 1925 relating to bonds legally issued and signed by authorized officers of any county, city, town, political subdivision, defined district, water improvement district, water control district, or any school district, providing that no such bonds shall ever be held invalid because signed and executed by different officers acting in the same capacity or when such bonds or coupons had been signed and executed by officers succeeding other officers who had executed or signed any part

of said bonds or coupons prior to the actual delivery of said bonds to the purchaser, and providing for official boards and managing body of such political subdivisions or districts to select other officials or persons in whom may be vested the authority and duty of executing such bonds and coupons and of issuing the same and completing the record in respect thereto, and providing for such actions to be set forth in the records of said subdivision or district and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 17, A bill to be entitled "An Act authorizing Lubbock County to convey to the United States of America, title to any portion of its land located and situated in the City of Lubbock, commonly known and designated as the courthouse square, and validating all acts of said county or its lawful agents and representatives heretofore done in pursuance of said purpose, or that may hereafter become necessary to convey said land to the satisfaction of the United States of America, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, July 13, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Civil Jurisprudence to whom was referred,

S. B. No. 18, A bill to be entitled "An Act to relinquish to owner of abutting land the fee title to the streets, alleys or highways in the city of Austin, Texas, but perpetually reserving and retaining therein the easement now existing for public purposes and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, July 13, 1929.

Hon. Barry Miller, President of the Senate:

We, your Committee on Finance, to whom was referred,

H. B. No. 6, A bill to be entitled, "An Act providing for the relief of Cuba Common School District No. 32, of Johnson County, Texas; to aid said school district to reconstruct a public school building, and to equip the same; appropriating Two Thousand (\$2,000.00) Dollars for reconstructing the public school building, and appropriating Five Hundred (\$500.00) Dollars for equipping same; prescribing the manner in which the funds hereby appropriated shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

#### NINTH DAY.

Senate Chamber,

Austin, Texas,

Monday, July 15, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodward.

Absent.

Cousins.	Stevenson.
Gainer.	Wirtz.
Parrish.	Woodul.

Absent—Excused.

Parr.

Prayer by the Rev. Mr. Forbes, of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Small.

S. B. No. 20, A bill to be entitled "An Act to withdraw from sale the surface and the minerals therein of all surveyed and unsurveyed public free school land, asylum land, river beds and channels, and portions of same, in the State of Texas, until otherwise provided by law, and declaring an emergency."

Read first time and referred to committee on Public Lands and Land Office.

By Senator Greer:

S. B. No. 21, A bill to be entitled "An Act making an appropriation of \$28,911.47 or so much thereof, as may be necessary, etc., said appropriation being for the traveling, clerical, and other expenses of the Board of managers of the Texas State Railroad."

Read first time and referred to Committee on Finance.

By Senators Woodul and Holbrook:

S. B. No. 22, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the 40th Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the 41st Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the 41st Legislature of Texas, the latter being H. B. No. 120 passed by the First Called Session of the 41st Legislature, with reference to the mode of preventing horses and certain other animals